

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

POWER INTEGRATIONS, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 04-1371-JJF
	)	
FAIRCHILD SEMICONDUCTOR	)	
INTERNATIONAL, INC., and FAIRCHILD	)	
SEMICONDUCTOR CORPORATION,	)	
	)	
Defendants.	)	

**DEFENDANTS' MOTION TO STRIKE UNAUTHORIZED REPLY BRIEF**

Defendants (collectively, "Fairchild") respectfully request that the Court strike the reply letter brief (D.I. 295) submitted by plaintiff Power Integrations, Inc. ("Power Integrations") in support of its motion for reconsideration (D.I. 290) of this Court's June 2, 2006 Order limiting Power Integrations' calculation of damages to the post-complaint period. The reasons for this motion follow:

1. Local Rule 7.1.5 does not permit the filing of a reply brief in support of a motion for reconsideration. Indeed, Rule 7.1.5 expressly states that the Court "will determine from the *motion and answer* whether reargument will be granted" (emphasis added).

2. Yesterday, despite the Rule's clear and unambiguous terms, Power Integrations filed a reply letter brief in support of its motion for reconsideration of this Court's June 2, 2006 Order (D.I. 295; the "Unauthorized Reply"). Shortly after the Unauthorized Reply was filed, Fairchild brought Rule 7.1.5 to Power Integrations' attention and requested that Power Integrations comply with the Rule and withdraw it. *See* Ex. 1.

4. Although they previously had followed Rule 7.1.5 in connection with their motion for reconsideration of the Court's August 2005 Order denying Power Integrations' motion to compel pre-suit damages discovery, counsel for Power Integrations responded that "[w]e do not interpret Rule 7.1.5 as specifically prohibiting the filing of a reply brief," and refused to

withdraw the Unauthorized Reply. *See* Ex. 2.

5. While Power Integrations' is disappointed by the Court's June 2, 2006 Order, and understandably is desperate to inflate the less than \$ 1 million in sales made by Fairchild since the filing of the complaint into \$ 35 million in purported price erosion damages, its discontent does not permit Power Integrations' to "thumb its nose" at this Court's rules.

6. Accordingly, Fairchild respectfully requests that the Court enforce Local Rule 7.1.5 by striking Power Integrations' Unauthorized Reply. (A form of Order to that effect is attached as Ex. 3). Alternatively, should the Court wish to consider Power Integrations' Unauthorized Reply, Fairchild respectfully requests the opportunity to address several misstatements in the Unauthorized Reply.

ASHBY & GEDDES

*/s/ John G. Day*

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*Attorneys for Defendants*

Dated: July 14, 2006  
171257.1

**CERTIFICATE OF SERVICE**

I hereby certify that on the 14<sup>th</sup> day of July, 2006, the attached **DEFENDANTS'**  
**MOTION TO STRIKE UNAUTHORIZED REPLY BRIEF** was served upon the below-  
named counsel of record at the address and in the manner indicated:

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*/s/ John G. Day*

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